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Counsel for the Former Attorney

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**LeClairRyan, PLLC,

Debtor.**

Case No.: 19-34574-KRH

Chapter 7

LECLAIRRYAN FORMER ATTORNEY'S MOTION TO SEAL

A LeClairRyan, PLLC former attorney (the "Former Attorney"), by counsel, pursuant to Rule 9018 of the Federal Rules of Bankruptcy Procedure, hereby files this Motion to Seal and/or redact certain portions of his Objection to the Trustee's Second Motion to Modify Procedures Regarding the Prosecution and/or Settlement of Actions Involving Former Attorneys and Certain Others (the "Objection") and the exhibits thereto. In support of this Motion, the Former Attorney states as follows:

1. On August 4, 2021, the Trustee informed this Former Attorney that she would seek to add him as a defendant in the ULX Adversary proceeding. The Trustee provided this information voluntarily, without any condition of confidentiality.

2. The Trustee has now taken the position that this Former Attorney's identity is "Confidential" under the terms of this Court's FAO Order (ECF No. 533) insofar as he is a target

in the ULX Adversary Proceeding. *See Tavenner v. ULX Partners, LLC and UnitedLex Corp.* (“*ULX Adversary Proceeding*”), Adv. Proc. No. 20-03142, ECF No. 68, ¶ 4.

3. In doing so, the Trustee has placed the Former Attorney in a situation where he cannot freely object to the Trustee’s Second FAO Procedures Motion without revealing his identity.

4. The Trustee has expressly stated that once her motion is granted, she will unseal the proposed amended complaint in the ULX Adversary Proceeding and reveal this Former Attorney’s identity. *See ULX Adversary Proceeding*, ECF No. 68, ¶ 4 (“To the extent the Court grants the Motions, any potential concern about confidentiality will be moot, and the Trustee’s redacted Motion for Leave to Amend and proposed amended complaint can (and should) be unsealed and filed on the public docket as soon as possible.”).

5. This is fundamentally unfair because (1) the Court’s FAO Order granted every other former attorney (even ULX) the right to confidentially engage in mediation before having their name publicized in an adversary proceeding, (2) the Trustee violated the Court’s FAO Order by filing an amended complaint in the ULX Adversary Proceeding, and (3) the Trustee seeks to specifically deprive this Former Attorney of that right through the proposed changes to the FOA Order.

6. Accordingly, the Former Attorney seeks entry of an order authorizing him to file under seal certain portions of his Objection and the exhibits thereto, and that his name not be mentioned at the August 19, 2021 Omnibus Hearing.

7. Before sealing this Former Attorney’s Objection, the Court must: (1) give public notice of this sealing request and allow for interested parties to object; (2) consider less drastic

alternatives; and (3) provide specific reasons and factual findings in support of its decision. *See Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000).

8. Accompanying this Motion, the Former Attorney has filed a public notice on the docket concerning his sealing request.

9. This Former Attorney has narrowly redacted his Objection and exhibits thereto to remove only that information which would reveal his identity or discuss the content of the parties pre-mediation scheduling communications, as required by First Modified FAO Order. *See* ECF No. 929, ¶ 4.

10. To the extent the Court adopts the rationale set forth in Paragraph 5, *supra*, it would provide specific reasons and factual findings supporting its sealing decision.

11. The Former Attorney has made no prior request for the relief sought in this Motion.

12. A copy of the proposed Order granting this Motion to Seal is attached hereto as **Exhibit A**.

WHEREFORE, the Former Attorney, by counsel, respectfully requests the Court grant his Motion to Seal, authorize the filing of a redacted Objection and exhibit on the public docket, maintain the unredacted Objection and exhibits under seal, reference him as the “Former Attorney” at the August 19, 2021 Omnibus Hearing, and for such other relief as is just and proper.

Respectfully submitted this 16th day of August, 2021.

FORMER ATTORNEY

/s/ Andrew M. Bowman

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Counsel for the Former Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2021, I electronically filed the foregoing with the Clerk using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Andrew M. Bowman